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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,006	01/08/2001	Freddie Geier	P2648-719	7086

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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,006

Applicant(s)

GEIER ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-91 is/are pending in the application.
4a) Of the above claim(s) 75-84 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 85-91 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 9/20/05.
2. Claims 75-91 are pending in this application; and, claims 75 and 85 are independent claims. Claims 1-74 have been cancelled; and, claims 75-91 have been added. This action is made Final.
3. Newly submitted claims 75-84 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they are drawn to a *preview* control element which, when activated by a user, causes the content of a selected media file to be reproduced for user review *prior to recording*.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 75-84 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 85, 86 and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by Screen Dumps of Microsoft Windows ("MS Win").

As per claim 85, MS Win teaches a GUI on a computer-readable medium for assembling and recording media files on a removable storage medium, comprising:

at least one window that defines an area onto which a user can drag and drop one or more files to be recorded on a removable storage medium, the files being displayed within the area as icons (fig. 1; *with cursor, highlighted file 110 is dragged and dropped to window 120 to be recorded on a removable storage medium via drive A, element 130*);

a control element on the window that enable a user to select from among a plurality of different themes for displayed features of the defined area and the icons (fig. 2; *"View"/control element 210 enables a user to select from among a plurality of themes such as "Large Icons" (220), "Small Icons" (230), "List" (240) and "Details" (250)*); and

a recording control element which, when activated by a user, causes the content of the files in the defined area to be recorded on a removable storage medium (fig. 1: *by right clicking on an icon such as icon 140 and selecting the recording control element "Send To > 3 ½ Floppy (A:)", users may record the content of the files on a removable storage medium (not shown)*).

As per claim 86, MS Win teaches a GUI on a computer-readable medium for assembling and recording media files on a removable storage medium wherein the window includes a control element which, when activated by a user, causes a folder icon to be displayed in the defined area onto which the user can drag and drop data files to be recorded on a removable storage medium (fig. 1: *although not depicted, drop*

down menu displays upon selection of "▼" (150), and user's selection of a control element within the menu causes folder icon(s) to be displayed in the defined area onto which the user can drag and drop data files to be recorded on a removable storage medium).

As per claim 88, MS Win teaches a GUI on a computer-readable medium for assembling and recording media files on a removable storage medium wherein the shape of the icons is determined by the selected theme (figs. 1-2: e.g. "Large Icons" as depicted in fig. 2 or "Details" as depicted in pane 160 of fig. 1).

As per claim 89, MS Win teaches a GUI on a computer-readable medium for assembling and recording media files on a removable storage medium wherein the defined area is displayed with a background image that is determined by a selected theme (figs. 1-2: a white background image is associated with each theme (220-250)).

6. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Screen Dumps of Microsoft Windows ("MS Win") in view of Yang et al. ("Yang").

As per claim 87, although MS Win teaches a GUI on a computer-readable medium for assembling and recording media files on a removable storage medium wherein the window includes a control element that, when activated by a user, causes an icon to be displayed in the defined area onto which the user can drag and drop image files to be recorded on a removable storage medium in various file formats, MS Win does not explicitly disclose the format to be a slideshow format for presentation on a media playback device. Yang teaches dragging and dropping image files onto an album thumbnail/icon to be stored on a storage medium in a slideshow format for

playback (col. 4, line 46; col. 5, lines 63-65; col. 23, line 63 through col. 24, line 9).

Therefore, it would have been obvious to an artisan at the time of the invention to include Yang's teaching of dragging and dropping image files onto an album thumbnail/icon to be stored on a storage medium in a slideshow format for playback to MS Win's teaching of dragging and dropping image files onto an icon to be recorded on a removable storage medium in various formats so that users are not constrained to a limited number of file formats.

7. Claims 90 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Screen Dumps of Microsoft Windows ("MS Win").

As per claims 90 and 91, although MS Win teaches a GUI on a computer-readable medium for assembling and recording media files on a removable storage medium wherein the recording control element causes the files in the defined area to be stored on a removable storage medium, MS Win does not explicitly disclose, the removable storage medium to be a DVD or CD. Official Notice is taken that storing file data on a removable storage medium such as a DVD or CD is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include storing file data on a removable storage medium such as a DVD or CD to MS Win's teaching of storing file data on a removable storage medium given that DVDs and CDs have greater storage capacities as required by audio/video multimedia.

Response to Arguments

8. Applicant's arguments with respect to claims 85-91 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571)**

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272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
November 22, 2005

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100